

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MARIA LUCIA GUTIERREZ DE NUNEZ,**

**Defendant.**

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**8:06CR392**

**ORDER**

On February 12, 2007, the defendant filed "Motion to Suppress."<sup>1</sup> The deadline for filing substantive pretrial motions expired on January 4, 2007.

The defendant has been continuously represented by counsel since December 15, 2006. The defendant retained present counsel on her own volition and is advised that present counsel, who is (or should be) familiar with the rules and practices of this court, knew (or certainly should have known) when he filed the Motion that the deadline for filing substantive pretrial motions expired more than a month ago. The defendant did not timely request any extension of that deadline, and the trial date was extended to March 5, 2007 at the defendant's request.

For these reasons,

**IT IS ORDERED** that defendant's Motion to Suppress [26] is hereby stricken from the record as untimely filed.

Pursuant to NECrimR 57.2, a party may appeal this order by filing a "Statement of Appeal of Magistrate Judge's Order" within ten (10) business days after being served with the order. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order is clearly erroneous or contrary to law. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. See NECrimR 57.2(d).

**DATED February 13, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**

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<sup>1</sup>The motion was not signed.